

FILED

AUG 03 2005

## NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

Case No. 04-3701

INFORMATION COPY  
 MANDATE NOT YET ISSUED  
 DIS. CT. # 01-680

UNITED STATES COURT OF APPEALS  
 FOR THE SIXTH CIRCUIT

LEONARD GREEN, Clerk

ERIC L. JEFFRIES,

)

Plaintiff-Appellant,

)

v.

)

PRUDENTIAL INSURANCE COMPANY  
 OF AMERICA,

)

Defendant-Appellee.

)

)

)

)

)

)

)

ON APPEAL FROM THE  
 UNITED STATES DISTRICT  
 COURT FOR THE SOUTHERN  
 DISTRICT OF OHIO

1:01 cv 680

05 AUG 3 2005



BEFORE: BATCHELDER and GRIFFIN, Circuit Judges; GADOLA\*, District Judge.

ALICE M. BATCHELDER, Circuit Judge. Plaintiff-Appellant Eric Jeffries appeals the district court's order granting summary judgment to Prudential Insurance Co. on his claims brought pursuant to The Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* ("ERISA"). Jeffries claims first that the district court erred in holding that Prudential, the administrator of the ERISA plan in which Jeffries is a participant, may not be required to pay Jeffries's attorney's fees attributable to the administrative proceedings that eventually resulted in his receiving benefits for his total disability. Jeffries further assigns as error the district court's granting summary judgment to Prudential on Jeffries's claim that he is entitled to a declaration of his right to future benefits because he is permanently disabled.

---

\*The Honorable Paul V. Gadola, United States District Judge for the Eastern District of Michigan, sitting by designation.

After carefully reviewing the thorough Report and Recommendation of the magistrate judge and the order of the district court adopting it, the record, the applicable law, the parties' briefs and counsels' arguments, we are convinced that the district court did not err in its conclusions. As the magistrate judge's Report and Recommendation carefully and correctly sets out the law governing the issues raised, and clearly articulates its reasoning, issuance of a full written opinion by this court would serve no useful purpose. Accordingly, for the reasons stated by the magistrate judge, we **AFFIRM** the judgment of the district court.